

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GREGORY MANGO,

Plaintiff,

- against -

BUZZFEED, INC.

Defendant.

Docket No. 17-cv-6784 (VM-KNF)

ECF CASE

DECLARATION OF JAMES H. FREEMAN

JAMES H. FREEMAN declares as follows:

1. I am currently Senior Counsel at Liebowitz Law Firm, PLLC (the “Firm”) and served as lead trial counsel for Plaintiff Gregory Mango (“Plaintiff” or “Mango”) in this action. While this action was pending, my title was Senior Associate at the Firm.

2. I submit this declaration in support of Plaintiff’s calculation of attorneys’ fees and costs under 17 U.S.C. § 505 of the Copyright Act and 17 U.S.C. § 1203(b)(5) of the Digital Millennium Copyright Act (“DMCA”).

3. Plaintiff seeks to recover \$65,132.50 in attorneys’ fees reasonably incurred in the course of litigating this matter, from its inception in September 2017 through post-trial briefing in October 2018. The fees incurred cover the span of this litigation, including pre-filing investigation, conferences, pleading motions, Court-ordered mediation, Plaintiff’s deposition, pre-trial preparation, motions *in limine*, joint pre-trial order and memoranda, trial and post-trial briefing.

4. Plaintiff will not seek the fees incurred for making the instant motion as a self-imposed penalty for producing reconstructed time entries in support of this application.

5. Attached as Exhibit A are true and correct copies of reconstructed time entries based on my own contemporaneous handwritten time entries, as well as references to the docket, internal files, and calendars.

6. Because the attorneys at the Firm work largely on a contingency-fee arrangement, the Firm does not maintain a computerized time entry system. However, consistent with my custom and practice since 2000, I track my contemporaneous time entries by hand.

7. As explained in the accompanying memorandum of law, my hourly rate of \$350/hr. is lower than the billing rates charged by other senior associates (or even junior associates) in this District.

8. Attached as Exhibit B is a true and correct copy of the Order issued by the Honorable Lorna G. Schofield in *Hirsch v. The Dishh, LLC*, 1:18-cv-09079 (LGS) (S.D.N.Y. December 10, 2018) [Dkt. #19], in which the court approved my hourly rate of \$350/hr. in connection with a default judgment, as well as the underlying application which set forth my hourly rate as lead counsel in the action.

9. I have 18 years experience in litigating copyright infringement cases. I am a graduate of Benjamin N. Cardozo Law School (J.D. 2000), was a litigation associate at Proskauer Rose LLP (2000-2005); a staff attorney at Kramer Levin LLP (2005-2008); and a senior associate at Garvey Schubert Barer (2008-2010). In 2011, I launched a solo practice (J.H. Freeman Law) which focused on entertainment, copyright and trademark law. I am admitted to the U.S. Supreme Court, Second Circuit and Sixth Circuit, S.D.N.Y., and E.D.N.Y.

10. I joined the Liebowitz Law Firm in July 2017 and since that time I have personally filed over 75 infringement actions as lead counsel and have filed notices of appearances as second chair in dozens of more cases. In addition to securing a judgment of liability against BuzzFeed in this action, I also obtained summary judgment against other largescale media corporations who infringed the rights of photographers. *See, e.g., Otto v. Hearst Commc'ns, Inc.*, 345 F. Supp. 3d 412 (S.D.N.Y. 2018); *Chicoineau v. Bonnier Corp.*, No. 18-CV-3264 (JSR), 2018 WL 6039387, at *1 (S.D.N.Y. Oct. 16, 2018).

11. The number of hours spent on this case is reasonable and less than most litigations of similar scope. There was no duplicative or repetitive efforts as I was the only attorney working on the case until just days before trial. In a day and age where Big Law Firms routinely bill more than a \$125,000 just to file a Rule 12(b)(6) motion, the Liebowitz Law Firm handled a case from beginning to trial for less than \$67,000.

12. Mr. Joseph A. Dunne, who was an associate at the Firm, also billed 12 hours on this case at a rate of \$325/hr. Mr. Dunne is a graduate of Benjamin N. Cardozo School of Law and worked at the Law Office of Gerard F. Dunne from 2010 to 2016 before starting his own practice in November 2016 focused on patent and IP litigation. He worked at the Firm from March 2018 through January 2019. His hours expended on this matter are as follows. These time entries were reconstructed from calendars, e-mails and the Court docket:

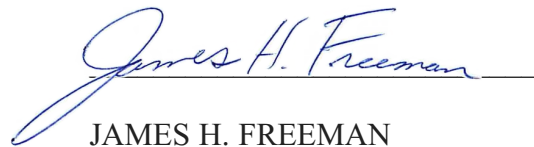
Date	Description	Hours
8/7/19	Review of pre-trial materials	3.0
8/8/18	Conference re: witness preparation	0.5
8/10/18	Review exhibit files; conference with JF to prepare for trial.	3.0
8/13/18	Bench Trial	5.5 hrs.
	Total	12 hrs.

13. The following chart details the expenses incurred to achieve success in this lawsuit.

Date	Description	Cost
9/6/17	U.S. District Court Filing Fee	\$400.00
9/8/17	Service of Process: Summons and Complaint	\$75.00
11/28/17	Request for Certified Deposit Copy	\$112.00
6/12/18	Service of Process: Third-party Subpoena	\$75.00
6/18/18	Certified Deposition Transcript – Gregory Mango	\$854.70
8/7/18	Case-Related Office Products for Trial (Exhibit Binders, Paper, Tabs)	\$71.86
8/8/18	Case-Related Office Products for Trial (Exhibit Binders, Paper, Tabs)	\$121.18
8/9/18	Case-Related Office Products for Trial (Exhibit Binders, Paper, Tabs)	\$100.29
	TOTAL	\$1810.03

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: Valley Stream, New York
February 1, 2019


JAMES H. FREEMAN